

82D CONGRESS
1ST SESSION

H. R. 18

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1951

Mr. Brooks introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To authorize payment of death gratuity on account of death in active or training service of personnel of the Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, including the Reserve components of such services, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That immediately upon the death, not directly resulting from
- 4 his or her own willful misconduct, of any person covered
- 5 by this Act (hereinafter referred to as deceased persons) the
- 6 head of the department or agency concerned, or such officer
- 7 or officers as he may designate, shall cause a death gratuity
- 8 to be paid in an amount equal to six months' pay at the

1 rate only to which the deceased person was entitled at the
2 time of death.

3 SEC. 2. The deceased persons covered by this Act shall
4 be those who were, at the date of death, in active service for
5 any period of time as members of the Army of the United
6 States, the Navy, the Marine Corps, the United States Air
7 Force, or the Coast Guard, or as commissioned officers of the
8 Coast and Geodetic Survey or the Public Health Service, or
9 as members of the Reserve components of said services, in-
10 clusive of those persons who for any period of time were
11 called or ordered by the Federal Government to active duty
12 or to active duty for training or who were participating in
13 full-time training authorized by sections 5, 81, 94, 97, and
14 99 of the National Defense Act, as amended, while engaged
15 in authorized travel en route to or from or during such serv-
16 ice, and inclusive of those persons who for any period of
17 time were engaged in inactive-duty training as authorized
18 by law, including section 92 of the National Defense Act, as
19 amended, or other applicable statute, while actually at-
20 tendant upon and engaged in such authorized service or
21 duty.

22 SEC. 3. The death gratuity shall be paid to the widow
23 or widower, and if there be no widow or widower then to
24 the child or children, and if there be no widow or widower
25 or child then to such dependent relative of or dependent

1 person standing in loco parentis to the deceased person as
2 may have been previously designated by the deceased per-
3 son. In the event that there be none of the foregoing to
4 whom the death gratuity is payable, then it shall be paid
5 to the individuals who in fact were dependent upon the
6 deceased person prior to his or her death for over one-half
7 of his or her support, in one of the following classes in the
8 order named: (1) Grandchildren; (2) parents and persons
9 standing in loco parentis; (3) brothers and sisters; and (4)
10 grandparents.

11 SEC. 4. The head of the department or agency con-
12 cerned is authorized to make all regulations and determina-
13 tions or redeterminations of questions of law or fact,
14 including the fact of dependency, arising in the administra-
15 tion of this Act and to delegate authority to make such
16 determinations and redeterminations to such officer or officers
17 as he may designate. Subject to such regulations as the
18 head of the department or agency concerned may prescribe,
19 determinations and redeterminations of questions of law or
20 fact so made shall be final and conclusive and, notwithstand-
21 ing any other provisions of law, shall not, with the exception
22 of determinations of questions of law made at times other
23 than during periods in which the United States is engaged
24 in war and twelve months thereafter, be subject to review
25 by any court or other Government official.

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1 SEC. 5. Payments of death gratuity as herein provided
2 are authorized to be made from funds appropriated and
3 currently available for pay of personnel of the service con-
4 cerned. In the absence of malfeasance on the part of any
5 disbursing officer, credit shall be allowed in the settlement of
6 his accounts for any payments made by him, in carrying out
7 the provisions of this Act, during periods in which the United
8 States is engaged in war and twelve months thereafter. In
9 the absence of malfeasance on his part, no recovery shall
10 be made from any officer or employee who, in carrying out
11 the provisions of this Act, authorizes any payment during
12 periods in which the United States is engaged in war and
13 twelve months thereafter. The head of the department or
14 agency concerned, or such officer or officers as he may
15 designate, may waive the recovery of any payments where
16 recovery thereof is deemed to be against equity and good
17 conscience.

18 SEC. 6. The provisions of this Act shall be effective in
19 all cases of deaths occurring on and after August 27, 1940,
20 notwithstanding any provisions of law hereby repealed, but
21 nothing contained herein shall be construed to authorize any
22 payment of death gratuity when payment on account of
23 death of the deceased shall have been made to any bene-
24 ficiary entitled thereto under the provisions of law in effect
25 at the time of such payment.

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1 SEC. 7. (a) The following Acts and parts of Acts are
2 hereby repealed:

3 (1) Chapter 6, Forty-first Statutes at Large, 367;

4 (2) That portion of chapter 228, Forty-first Statutes at
5 Large, 812, at pages 824 and 825, consisting of the second
6 paragraph appearing under the heading "Bureau of Supplies
7 and Accounts", subhead "Pay of the Navy";

8 (3) That portion of chapter 178, Forty-second Statutes
9 at Large, 1377, which appears at page 1385 and which
10 reads as follows: "None of the funds herein, heretofore, or
11 hereafter appropriated shall be used for payment of the six
12 months' pay (authorized by the Act of December 17, 1919,
13 to be paid to certain specified beneficiaries of officers or en-
14 listed men of the Regular Army who died from wounds or
15 disease not the result of their own misconduct) to any mar-
16 ried child or unmarried child over twenty-one years of age
17 of a deceased officer or enlisted man who is not actually a
18 dependent of such deceased officer or enlisted man.";

19 (4) Chapter 153, Forty-fifth Statutes at Large, 249;

20 (5) Chapter 685, Forty-fifth Statutes at Large, 710;

21 (6) Chapter 243, Forty-sixth Statutes at Large, 268;

22 (7) Chapter 19, Fifty-fifth Statutes at Large, 43;

23 (8) Chapter 562, Fifty-fifth Statutes at Large, 796;

24 (9) Chapter 343, Fifty-seventh Statutes at Large, 599;

25 (10) Chapter 141, Fifty-eighth Statutes at Large, 129.

1 (b) Section 9 of the Act approved January 19, 1942
2 (56 Stat. 6), as amended, is hereby further amended to
3 read as follows:

4 "SEC. 8. The provisions of sections 1 to 5, inclusive,
5 of the Act approved April 20, 1940 (54 Stat. 144), or as
6 hereafter amended, relating to the burial expenses of Navy
7 personnel shall apply to commissioned officers of the Coast
8 and Geodetic Survey, except that the duties and obligations
9 imposed in said Act upon the Secretary of the Navy are
10 hereby imposed for the purposes of this Act upon the Sec-
11 retary of Commerce who shall cause the necessary payments
12 to be made from funds appropriated for the Coast and Geo-
13 detic Survey: *Provided*, That the provisions of this section
14 shall be effective from December 8, 1941."

15 (c) (1) Section 212 (a) (1) of the Public Health
16 Service Act, approved July 1, 1944 (58 Stat. 682), is
17 amended by striking out the words "six months' pay in case
18 of death," and by inserting, immediately after the words
19 "excluding, however, retired pay, uniform allowances," the
20 words "six months' pay in case of death".

21 (2) Section 212 of such Act is further amended by
22 adding at the end thereof the following new subsection:

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1 “(e) The surviving beneficiaries of commissioned
2 officers of the Service shall receive such death gratuities as
3 are or hereafter may be provided by law.”

4 (d) Nothing in this section shall preclude the payment
5 of any death gratuity not yet paid on account of any death
6 occurring prior to August 27, 1940, in the same manner
7 as if the law applicable thereto had not been hereby repealed
8 or amended.

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